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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,223	08/13/2001	Eric Aubertin	1918/41	2133

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EXAMINER

NGUYEN, TAN D

ART UNIT PAPER NUMBER

3629

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/929,223	<b>Applicant(s)</b> AUBERTIN ET AL.	
	<b>Examiner</b> Tan Dean D. Nguyen	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/14/05; 6/10/02</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed 3/24/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: claims 35-39 which deals with "teams participating in a competition". The examiner has scanned through the specification but could not find this phrase.

Applicant is required to cancel the new matter in the reply to this Office Action.

The amendment filed 3/24/05, replacing previous claims 1-32 with new set of claims 33-76, is noted. Claims 33-76 are active and are rejected as followed.

### *Drawings*

2. The drawings are objected to because they are not readable (too small), especially Figs. 3-52. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. Claims 33, 35-53, 54, 56-72, 73, 74, 75 and 76, are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The step of making a charitable donation on the website (dep. claim 34, 55) is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). How can a method/system for conducting a fundraising campaign is completed or carried out with success without step/means for making a charitable donation on the website. A campaign is defined as "a series of organized, planned actions for a particular objective or purpose". Without dep. claim 34, 55, limitations, the scope of claims 33, 35-53, 54, 56-72, 73, 74, 75 and 76 are incomplete or will not obtain the goal of raising money.

4. Claims 33-53, 54-72, 73, 74, 75 and 76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) In claim 33, line 5, the phrase "registering on the website" is vague because it's not clear who is registering on the website? Or registering whom?

2) In claim 33, line 5, the phrase "contacting third parties via email messages" is vague since via has to be followed by "email" or "mail" and cannot be messages.

3) In claim 35, it's not clear how this claim further limits the scope of claim 33 "fundraising campaign", since claim 35 calls for "providing information about teams" but there is no step involving participation into the fundraising campaign. The campaign does not make any progress until people participates and donates money.

4) In claim 38, it's not clear who is joining a team. Is it the donor or third parties?

5) In claim 39, it's not clear who is forming a team. Is it the donor or third parties?

6) Claim 54, which has similar limitations to claim 33 above, is rejected for the same 2 reasons set forth in claim 33 above.

7) Claims 59-60 are vague and indefinite for depending on claim 30 which has been canceled.

8) Claim 73, which has similar limitations to claim 33 above, is rejected for the same 2 reasons set forth in claim 33 above.

9) Claim 74, which has similar limitations to claim 33 above, is rejected for the same 2 reasons set forth in claim 33 above.

10) Claim 75, which has similar limitations to claim 33 above, is rejected for the same 2 reasons set forth in claim 33 above.

11) Claim 76, which has similar limitations to claim 33 above, is rejected for the same 2 reasons set forth in claim 33 above.

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5. Claim 46 recites the limitation "the emails" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**10. Claims 33-35, 36-37, 40-53, 54, 55-58, 61-72, 73, 74, 75, and 76, are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over COSTIN, IV et al.**

**As for independent method claims 33, 73**, COSTIN, IV et al discloses a method for conducting a fundraising campaign by an organization (option over person) over a wide-area network, comprising the steps of {see [0007, 0008, 0010]} :

a) hosting a website including plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign {see Figs. 10, 11, 12};

b) registering on the website {inherently included in Figs. 8, 9, 10, [0018, 0019, 0087], which show conducting several different fundraising campaigns};

c) contacting 3<sup>rd</sup> parties, via e-mail messages, soliciting charitable donations {see [0007, 0010]};

d) providing one or more reports, on the website, including information on the status of fundraising campaign {see Fig. 12}.

Alternatively, the use of other fundraising parameters or embodiments, for example, registering donor, giver, donor's friend, etc. on the website, are within the skill of the artisan and would have been obvious as taught in [0017-0019, 0087] of COSTIN, IV et al.

As for dep. claim 34 (part of 33 above), which deals with well known fundraising parameters, i.e. making a donation, this is taught in Fig. 10 or 11 or 14.

As for dep. claim 35 (part of 33 above), which deals with well known fundraising parameters, i.e. providing information about people/organization involved in the fundraising campaign, this is taught in Fig. 20 (86 (88, 90, 92), 76).

As for dep. claims 36, 37, 48 (part of 33 above), which deals with well known fundraising parameters, i.e. providing information about campaign status, campaign data, people/organization involved in the fundraising campaign, tax, etc., these are taught in [0015, 0063, 0072, 0073, Fig. 23]. Alternatively, the reporting of any other information would have been in view of the teachings if desired.

As for dep. claims 40-44 (part of 33 above), which deals with well known fundraising parameters, i.e. types of campaign or campaign features/parameters, i.e. includes an athletic event, etc, these are taught in Fig. 8, [0063, 0066]. Alternatively, the selection of any other desired event or types of events varies with personal taste, community, location, time, etc., and would have been in view of the teachings if desired.

As for dep. claims 45-47 (part of 33 above), which deals with well known fundraising parameters, i.e. personalized donation pages with links to the main page or vice versa, these are taught in Figs. 3-11, [0010, 0012-0014].



As for dep. claim 49 (part of 33 above), which deals with well known communication network parameters, i.e. wide-area network is the Internet, this is taught in Fig. 1a, [0003, 0061].

As for dep. claims 50-52 (part of 33 above), which deals with well known fundraising parameters, i.e. type of organization, these are non-essential to the scope of the claimed invention and are taught in [0012-0014].

As for dep. claim 53 (part of 33 above), which carries no patentable weight since this is optional in view of claim 1 above. Moreover, it would have been obvious to use person to conduct a campaign which is normally called a campaign manager if desired. The use of a campaign manager is well known and would have been obvious to implement in here if desired.

**As for independent system<sup>1</sup> claim 54,** which is the system to carry out the method of claim 33 above, it's rejected over the system of COSTIN, IV et al to carry out the method claim as cited in claim 33 above.

As for dep. claims 55-58, 61-72 (part of 54 above), 72, which have the same limitations as dep. claims 34-37, 40-53 above, they are rejected for the same reasons set forth in dep. claims 34-37, 40-53 cited above.

**As for independent product<sup>1</sup> claim 74,** which is the program product to carry out the method of claim 73 above, it's rejected over the program product of COSTIN, IV et al to carry out the method claim as cited in claim 73 above.

**As for independent method<sup>3</sup> claim 75**, which has the same limitations as in independent claim 33 and dep. claims 45-47 above, it's rejected for the same reasons set forth in the rejections of claims 45-47 and claim 33 above.

**As for independent system<sup>3</sup> claim 76**, which is the system to carry out the method of claim 75 above, it's rejected over the system of COSTIN, IV et al to carry out the method claim as cited in claim 75 or 33 above.

**11. Claims 35, 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over COSTIN, IV et al in view of Article, "BT: Sheryl Gascoigne ... Swimathon '99" (hereafter as "BT Article") or Article "LeuKaemia Busters ...Fundraising week", page 5 (hereafter as "LEUKAEMIA Article").**

As for claims 35, 38-39, the teaching of COSTIN, IV et al is cited above. BT Article is cited to teach the concept of participating into a fundraising campaign as an individual, or as a family group, as a group of friends or as **teams** competing against each other to raise money, see page 5, left column.

As for claims 35, 38-39, the teaching of COSTIN, IV et al is cited above. LEUKAEMIA Article is cited to teach the concept of participating into a fundraising campaign as an individual, or **teams** competing against each other and winning the coveted BT Trophies, top fundraisers winning a holiday of a lifetime to the La Manga Club Resort in Spain, awarded for (1) speed of performance and (2) fundraising success, raising the most money, see page 1 and 2, notes (1) and (2). It would have been obvious to modify the teachings of COSTIN, IV et al by BT Article or LEUKAEMIA

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Article to participate in teams option if desired as taught by BT Article or LEUKAEMIA

Article .

No claims are allowed.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn  
September 28, 2005

  
DEAN T. NGUYEN  
PRIMARY EXAMINER